

2013 DRAFTING REQUEST

Bill

Received: **10/8/2012** Received By: **mgallagh**
 Wanted: **As time permits** Same as LRB:
 For: **Administration-Budget 6-1923** By/Representing: **Quinn**
 May Contact: Drafter: **mgallagh**
 Subject: **Occupational Reg. - misc** Addl. Drafters:
 Extra Copies:

Submit via email: **YES**
 Requester's email:
 Carbon copy (CC) to: **michael.gallagher@legis.wisconsin.gov**

Pre Topic:

DOA:.....Quinn, BB0026 -

Topic:

Transfer regulation of charitable organizations, professional fundraisers, and fundraising counsel from DSPS to DFI

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	mgallagh 2/5/2013	scalvin 2/5/2013	rschluet 2/5/2013	_____	sbasford 1/31/2013		State
/P2	mgallagh 2/6/2013	csicilia 2/6/2013	rschluet 2/6/2013	_____	sbasford 2/6/2013		State
/P3				_____	lparisi 2/6/2013		State

FE Sent For:

<END>

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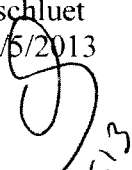
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2/6
13

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Wanted: **As time permits** Companion to LRB:
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May Contact: Drafter: **mgallagh**
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Carbon copy (CC) to: **michael.gallagher@legis.wisconsin.gov**

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/P1	mgallagh	1/30 1/3	1/30 1/3	1/30 1/3			
FE Sent For:							

<END>

Gallagher, Michael

From: Hanaman, Cathlene
Sent: Monday, October 08, 2012 8:30 AM
To: Gallagher, Michael
Subject: FW: Statutory Language Drafting Request

DSPS

From: brian.quinn@wisconsin.gov [mailto:brian.quinn@wisconsin.gov]
Sent: Thursday, September 27, 2012 4:56 PM
To: Hanaman, Cathlene
Cc: Frederick, Caitlin - DOA; Quinn, Brian D - DOA; Thornton, Scott - DOA
Subject: Statutory Language Drafting Request

Biennial Budget: 2013-15

DOA Tracking Code: BB0026

Topic: Transfer Oversight of Charitable Organizations, Professional Fundraisers and Fundraising Counsels
From DSPS to DFI

SBO Team: TLGED

SBO Analyst: Quinn, Brian D - DOA
Phone: (608) 266-1923
E-mail: brian.quinn@wisconsin.gov

Agency Acronym: DFI

Agency Number: 144

Priority: Low

Intent: Under current law, the oversight of these entities is housed with the Department of Safety and Professional Services.

Transfer the oversight and registration of these entities to the Department of Financial Institutions

Attachments: False

Please send completed drafts to statlanguage@wisapps.wi.gov

Gallagher, Michael

From: Gallagher, Michael
Sent: Thursday, November 15, 2012 9:09 AM
To: Quinn, Brian D - DOA
Subject: RE: Re: Professional Employer Oversight

Brian, I have a couple of questions relevant to both of these drafts:

First, you'll notice that in the draft regarding transfer of professional employer organizations and groups to DFI, I included language regarding the revocation, etc., of a registration in circumstances where the registrant is delinquent in taxes or child support (would primarily apply to "controlling person"). That language is similar to DSPS's powers under ss. 440.12 and 440.13. I included that language because those sections are referenced under s. 461.02 (9). Do you want me to include similar language in the draft for the transfer of oversight of charitable organizations, professional fund-raisers, and fund-raising counsel to DFI?

And that brings me to my second, bigger, question:

There is no chapter setting forth DFI's general powers and duties, similar to subch. I of ch. 440 for DSPS, that would cover DFI's regulation of professional employer organizations and groups and charitable organizations, etc.. Now, ch. 461 and such. IV of ch. 440 do set forth some general powers with respect to the regulation of professional employer organizations and groups and the regulation of charitable organizations, etc., respectively. For example, in both cases, DSPS (under current law) is specifically empowered to investigate violations of the relevant law. However, there are a number of general powers and duties for DSPS, as well as other general provisions, in subch. I of ch. 440 that extend to the regulation of professional employer organizations and groups and charitable organizations, etc., along with the other professions regulated under chs. 440-480, and that you may or may not want to transfer to DFI along with oversight of professional employer organizations and groups and charitable organizations, etc.

Based on a quick look at subch. I of ch. 440, I believe decisions should probably be made at least with respect to the following provisions (there may be others—you should review all of subh. I of ch. 440 in this regard):

1. **Section 440.03 General duties and powers of the department.** Specifically, subs. (3m), (4), (11m), (12m), and (13) (a).
2. **Section 440.075 Military service education, training, instruction, or other experience.**
3. **Section 440.08 Credential renewal.** Specifically, subs. (1), (3), and (4).
4. **Section 440.09 Reciprocal credentials for the spouses of service members.**
5. **Section 440.11 Change of name or address.**
6. **Section 440.121 Credential denial, nonrenewal, and revocation based on incompetency.** (See my first question regarding ss. 440.12 and 440.13).
7. **Section 440.14 Nondisclosure of certain personal information.**

Let me know which, if any, of the above provisions should be duplicated for DFI with respect to the transfer of oversight of these professions, and let me know if you have any questions.

Thanks.

Mike

Michael P. Gallagher
Legislative Attorney
Legislative Reference Bureau
(608) 267-7511
michael.gallagher@legis.wisconsin.gov

From: Quinn, Brian D - DOA [<mailto:Brian.Quinn@wisconsin.gov>]
Sent: Monday, November 12, 2012 9:58 AM
To: Gallagher, Michael
Subject: RE: Re: Professional Employer Oversight

Yes. Thanks!

Brian Quinn
Executive Policy & Budget Analyst
Department of Administration
Division of Executive Budget and Finance
(608)-266-1923
brian.quinn@wisconsin.gov

From: Gallagher, Michael [<mailto:Michael.Gallagher@legis.wisconsin.gov>]
Sent: Monday, November 12, 2012 9:57 AM
To: Quinn, Brian D - DOA
Subject: RE: Re: Professional Employer Oversight

Brian: I assume you mean October 1, 2013 and FY13-14, instead of October 1, 2012 and FY14.

From: Quinn, Brian D - DOA [<mailto:Brian.Quinn@wisconsin.gov>]
Sent: Monday, November 05, 2012 9:40 AM
To: Gallagher, Michael
Subject: Re: Professional Employer Oversight

Mike,

For both this and the charitable orgs transfer, there is no intention to create a new appropriation. Both programs are small and are best handled within DFI's general operations appropriation.

As for the effective date, DFI had suggested an October 1st, 2012 effective date or 90 days after the enactment of the biennial budget, whichever is later. Let's use that for this purpose.

An additional item for both this and the charitable orgs transfer is that, for purposes of booking the revenue in line with where the expenditures are incurred, specify in nonstatutory language that fee revenue related to these programs will first be booked with DSPS to cover their expenses for FY14 related to the administration before the transfer and that any remainder goes to DFI.

Brian Quinn
Executive Policy & Budget Analyst
Department of Administration
Division of Executive Budget and Finance
(608)-266-1923
brian.quinn@wisconsin.gov

Gallagher, Michael

From: Quinn, Brian D - DOA <Brian.Quinn@wisconsin.gov>
Sent: Wednesday, December 19, 2012 4:08 PM
To: Gallagher, Michael
Subject: Re: Revised DFI Admin Statutes for DSPS Transfers

Mike,

Just to touch base with you, and to keep it fresh in my mind, DFI is still getting around to putting together their preferred language on this and I don't anticipate it until after the New Year.

Let me know if you have questions.

Brian Quinn
Executive Policy and Budget Analyst
Wisconsin Department of Administration
Division of Executive Budget and Finance
(608)-266-1923
Brian.quinn@wisconsin.gov

Gallagher, Michael

From: Quinn, Brian D - DOA <Brian.Quinn@wisconsin.gov>
Sent: Tuesday, January 08, 2013 9:37 AM
To: Gallagher, Michael
Subject: RE: Revised DFI Admin Statutes for DSPS Transfers

So, now that I've gotten ahold of DFI on the subject, the basic thing that they wanted for the PEOs and the Charitable Orgs is to combine them into a single chapter and a single draft and they'll be in contact with you directly on how to make it work for their needs.

I'm quite alright with them talking to you directly on how to craft this. The contact person at DFI is Lucas Vebber and his number is 267-1718.

From: Quinn, Brian D - DOA
Sent: Wednesday, December 19, 2012 4:08 PM
To: Gallagher, Michael (Michael.Gallagher@legis.wisconsin.gov)
Subject: Re: Revised DFI Admin Statutes for DSPS Transfers

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Executive Policy and Budget Analyst
Wisconsin Department of Administration
Division of Executive Budget and Finance
(608)-266-1923
Brian.quinn@wisconsin.gov

Powers

Peo's
charitable orgs.

Gallagher, Michael

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Brian Quinn
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